

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**FALCON ENTERPRISES, INC.**, a California Corporation; and **FALCON FOTO, LLC**, a California Company,

Plaintiffs,

vs.

**FCI INC.**, a Washington Corporation d/b/a **FLYING CROCODILE INCORPORATED; ACCRETIVE TECHNOLOGY GROUP, INC.**, a Washington Corporation; **ROSS PERKINS** and **JANE DOE PERKINS**, individually, and the marital community composed thereof, and d/b/a Flying Crocodile Incorporated and/or Accretive Technology Group, Inc.; **SHAWN BODAY** and **JANE DOE BODAY**, individually, and the marital community composed thereof, and d/b/a Flying Crocodile Incorporated and/or Accretive Technology Group, Inc.; and **DOES 1-10**,

Defendants.

**Case No.:**

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

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COMPLAINT - 1

**CARPELAW PLLC**  
2400 NW 80th Street #130  
Seattle, Washington 98117  
(206) 624-2379 - (206) 784-6305 (fax)

1 Plaintiffs, Falcon Enterprises, Inc., a California corporation, and Falcon Foto, LLC, a  
2 California Limited Liability Company (collectively “FALCON”) bring this action for Copyright  
3 Infringement and Supplemental Claims against Defendants FCI, Inc., a Washington corporation  
4 d/b/a Flying Crocodile Incorporated (“FCI”), Accretive Technology Group, Inc., a Washington  
5 corporation (“ACCRETIVE”), Ross Perkins and Jane Doe Perkins, individually, and the marital  
6 community composed thereof, and d/b/a Flying Crocodile Incorporated and/or Accretive  
7 Technology Group, Inc. (jointly “PERKINS”); Shawn Boday and Jane Doe Boday, individually,  
8 and the marital community composed thereof, and d/b/a Flying Crocodile Incorporated and/or  
9 Accretive Technology Group, Inc. (jointly “BODAY”); and Does 1-10, collectively referred to as  
10 “Defendants”, and allege as follows:

11  
12 **JURISDICTION AND VENUE**

13 1. This Court has personal jurisdiction over the Defendants and venue is proper  
14 within the Western District of Washington because FCI is a Washington corporation with its  
15 principal place of business and operations in Seattle, Washington; ACCRETIVE is a Washington  
16 corporation with its principal place of business and operations in Seattle, Washington; and  
17 PERKINS and BODAY are United States citizens residing in the Western District of  
18 Washington. 28 U.S.C. §§ 1332, 1391 and 1400.

19 2. This Court has subject matter jurisdiction over FALCON’S claims because they  
20 are Federal claims arising from Title 17 of the United States Code (the “Copyright Act”). 28  
21 U.S.C. §§ 1331 and 1338.

22 3. This Court has supplemental jurisdiction over any State claims pursuant to  
23 28 U.S.C. § 1367.

24 4. Alternatively, this Court has diversity jurisdiction over FALCON’S claims  
25 because the parties are diverse and the claims herein exceed \$75,000, exclusive of attorneys’ fees  
26 and costs. 28 U.S.C. § 1332.

**THE PARTIES**

5. Plaintiff Falcon Enterprises, Inc. is a California corporation with its principal place of business in Los Angeles, California.

6. Plaintiff Falcon Foto, LLC is a California Limited Liability Company with its principal place of business in Los Angeles, California.

7. Upon information and belief, Defendant FCI is a Washington corporation with its principal place of business and operations at 2019 3rd Ave., Suite 200, Seattle, WA, 98121. Plaintiff's further allege that FCI is engaged in activities affecting federal interstate and/or foreign commerce.

8. Upon information and belief, Defendant ACCRETIVE is a Washington corporation with its principal place of business and operations at 2019 3rd Ave., Suite 200, Seattle, WA, 98121. Plaintiff's further allege that ACCRETIVE is engaged in activities affecting federal interstate and/or foreign commerce.

9. Upon information and belief, Defendants PERKINS, husband and wife and the marital community composed thereof who, are United States citizens residing in the Western District of Washington. Plaintiffs further allege that Perkins is engaged in activities affecting federal interstate and/or foreign commerce.

10. Upon information and belief, Defendants BODAY, husband and wife and the marital community composed thereof, are United States citizens residing in the Western District of Washington. Plaintiffs further allege that Boday is engaged in activities affecting federal interstate and/or foreign commerce.

**FACTUAL BACKGROUND**

11. Plaintiff Falcon Foto, LLC is the owner of the world's largest copyrighted adult entertainment libraries of photographic images ("images"). FALCON is one of the most

1 predominant suppliers of photographic images to both print and Internet based publishers.

2 12. Plaintiff Falcon Enterprises, Inc. is the exclusive marketing agent for Falcon Foto,  
3 LLC. Falcon Enterprises, Inc.'s business is to license to various publishers the rights to use  
4 Falcon Foto, LLC's copyrighted photographs for a licensing fee.

5 13. FCI and/or ACCRETIVE, have, at all material times, been the owner of numerous  
6 Internet Web sites or Internet Domains. The Web sites contain digital images. Consumers are  
7 provided access to content on these Web sites through an individual password and in return for  
8 the payment of a monthly membership and/or subscription fee.

9 14. PERKINS has, at all material times, been an owner, director, officer, and/or  
10 employee of FCI and/or ACCRETIVE.

11 15. PERKINS, acting either independently or in concert with the other defendants,  
12 exerted dominion and control over the Web sites that contained the Falcon images that were  
13 infringed.

14 16. BODAY has, at all material times, been an owner, director, officer, and/or  
15 employee of FCI and/or ACCRETIVE.

16 17. BODAY, acting either independently or in concert with the other defendants,  
17 exerted dominion and control over the Web sites that contained the Falcon images that were  
18 infringed.

19 18. FCI Inc. has been listed by the WHOIS Internet Domain registrar, at all material  
20 times, as the owner of the Internet Web site www.pornparks.com (the "Web Site"):

21 19. FCI is listed by the WHOIS Internet Domain registrar as the Administrative  
22 contact for the Web Site.

23 20. PERKINS is listed by the WHOIS Internet Domain registrar as the Technical  
24 contact for the Web Site.

25 21. ACCRETIVE has, at all material times, been listed by the WHOIS Internet  
26 Domain registrar as the Host for the Web Site.

22. ACCRETIVE, acting either independently or in concert with the other defendants, exerted dominion and control over the Web sites that contained the Falcon images that were infringed.

23. FCI and ACCRETIVE both provide the same address at 2019 3rd Ave., Suite 200, Seattle, WA, 98121 as their respective business addresses, and also provide the same telephone number of 206-374-0374 as their respective business telephone numbers.

24. Upon information and belief, ACCRETIVE is the alter ego of FCI.

25. Defendants derive or have derived revenues from the Web Sites' membership and/or subscription fees.

#### **DEFENDANTS' UNLAWFUL CONDUCT**

pornparks.com

26. On or about October 17, 2006, Defendants, in concert and/or individually, on the Internet Web site located at [teen.pornparks.com/htspdss/](http://teen.pornparks.com/htspdss/), displayed the following digital images copyrighted by Plaintiffs, thereby infringing the registered copyright(s) associated with each of those images:

- (1) trx175\_10.jpg as trx175\_10.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (2) trx175\_11.jpg as trx175\_11.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (3) trx175\_12.jpg as trx175\_12.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (4) trx175\_13.jpg as trx175\_13.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (5) trx175\_14.jpg as trx175\_14.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (6) trx175\_15.jpg as trx175\_15.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (7) trx175\_16.jpg as trx175\_16.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (8) trx175\_17.jpg as trx175\_17.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (9) trx175\_18.jpg as trx175\_18.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (10) trx175\_19.jpg as trx175\_19.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

- (11) trx175\_2.jpg as trx175\_2.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (12) trx175\_20.jpg as trx175\_20.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (13) trx175\_21.jpg as trx175\_21.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (14) trx175\_22.jpg as trx175\_22.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (15) trx175\_23.jpg as trx175\_23.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (16) trx175\_24.jpg as trx175\_24.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (17) trx175\_25.jpg as trx175\_25.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (18) trx175\_26.jpg as trx175\_26.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (19) trx175\_28.jpg as trx175\_28.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (20) trx175\_29.jpg as trx175\_29.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (21) trx175\_3.jpg as trx175\_3.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (22) trx175\_30.jpg as trx175\_30.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (23) trx175\_4.jpg as trx175\_4.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (24) trx175\_5.jpg as trx175\_5.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (25) trx175\_6.jpg as trx175\_6.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (26) trx175\_7.jpg as trx175\_7.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (27) trx175\_8.jpg as trx175\_8.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (28) trx175\_9.jpg as trx175\_9.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

Each of these copyrighted images was displayed without the consent of, or licensing by, the Plaintiffs, the copyright owner and registrant of the images.

27. On or about October 17, 2006, Defendants, in concert and/or individually, on the Internet Web site located at [teen.pornparks.com/htpussys/](http://teen.pornparks.com/htpussys/), displayed the following digital images copyrighted by Plaintiffs, thereby infringing the registered copyright(s) associated with each of those images:

- (1) msx561 (14).jpg as -free\_11.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- (2) msx561 (19).jpg as -free\_12.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

- 1 (3) msx561 (29).jpg as -free\_13.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- 2 (4) msx561 (46).jpg as -free\_14.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- 3 (5) msx561 (36).jpg as -free\_15.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- 4 (6) sff1701.jpg as SFF1701.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 5 VA 1-307-928;
- 6 (7) sff1703.jpg as SFF1703.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 7 VA 1-307-928;
- 8 (8) sff1704.jpg as SFF1704.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 9 VA 1-307-928;
- 10 (9) sff1705.jpg as SFF1705.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 11 VA 1-307-928;
- 12 (10) sff1706.jpg as SFF1706.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 13 VA 1-307-928;
- 14 (11) sff1707.jpg as SFF1707.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 15 VA 1-307-928;
- 16 (12) sff1708.jpg as SFF1708.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 17 VA 1-307-928;
- 18 (13) sff1709.jpg as SFF1709.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 19 VA 1-307-928;
- 20 (14) sff1710.jpg as SFF1710.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 21 VA 1-307-928;
- 22 (15) sff1711.jpg as SFF1711.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 23 VA 1-307-928;
- 24 (16) sff1712.jpg as SFF1712.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and
- 25 VA 1-307-928;
- 26 (17) sff1713.jpg as SFF1713.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and

1 VA 1-307-928;

2 (18) sff1714.jpg as SFF1714.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
3 VA 1-307-928;

4 (19) sff1715.jpg as SFF1715.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
5 VA 1-307-928;

6 (20) sff1716.jpg as SFF1716.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
7 VA 1-307-928;

8 (21) sff1717.jpg as SFF1717.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
9 VA 1-307-928;

10 (22) sff1718.jpg as SFF1718.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
11 VA 1-307-928;

12 (23) sff1719.jpg as SFF1719.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
13 VA 1-307-928;

14 (24) sff1722.jpg as SFF1722.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
15 VA 1-307-928;

16 (25) sff1724.jpg as SFF1724.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
17 VA 1-307-928;

18 (26) sff1725.jpg as SFF1725.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
19 VA 1-307-928;

20 (27) sff1727.jpg as SFF1727.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
21 VA 1-307-928;

22 (28) sff1728.jpg as SFF1728.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
23 VA 1-307-928;

24 (29) sff1729.jpg as SFF1729.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and  
25 VA 1-307-928;

26 (30) sff1730.jpg as SFF1730.jpg, infringing Plaintiffs' copyright(s) VAu 353-497 and



1 VA 1-307-928;

2 Each of these copyrighted images was displayed without the consent of, or licensing by,  
3 the Plaintiffs, the copyright owner and registrant of the images.

4 28. On or about October 17, 2006, Defendants, in concert and/or individually, on the  
5 Internet Web site located at teen.pornparks.com/rhllovs/, displayed the following digital images  
6 copyrighted by Plaintiffs, thereby infringing the registered copyright(s) associated with each of  
7 those images:

- 8 (1) trx545\_10.jpg as trx545\_10.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 9 (2) trx545\_11.jpg as trx545\_11.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 10 (3) trx545\_12.jpg as trx545\_12.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 11 (4) trx545\_14.jpg as trx545\_14.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 12 (5) trx545\_16.jpg as trx545\_16.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 13 (6) trx545\_18.jpg as trx545\_18.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 14 (7) trx545\_19.jpg as trx545\_19.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 15 (8) trx545\_2.jpg as trx545\_2.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 16 (9) trx545\_20.jpg as trx545\_20.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 17 (10) trx545\_22.jpg as trx545\_22.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 18 (11) trx545\_27.jpg as trx545\_27.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 19 (12) trx545\_29.jpg as trx545\_29.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 20 (13) trx545\_3.jpg as trx545\_3.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 21 (14) trx545\_30.jpg as trx545\_30.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 22 (15) trx545\_31.jpg as trx545\_31.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 23 (16) trx545\_32.jpg as trx545\_32.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 24 (17) trx545\_33.jpg as trx545\_33.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 25 (18) trx545\_34.jpg as trx545\_34.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;
- 26 (19) trx545\_37.jpg as trx545\_37.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;

1 (20) trx545\_39.jpg as trx545\_39.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;

2 (21) trx545\_4.jpg as trx545\_4.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;

3 (22) trx545\_40.jpg as trx545\_40.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;

4 (23) trx545\_6.jpg as trx545\_6.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;

5 (24) trx545\_8.jpg as trx545\_8.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;

6 (25) trx545\_9.jpg as trx545\_9.jpg, infringing Plaintiffs' copyright(s) VAu 692-240;

7 Each of these copyrighted images was displayed without the consent of, or licensing by,  
8 the Plaintiffs, the copyright owner and registrant of the images.

9 29. On or about August 14, 2006, Defendants, in concert and/or individually, on the  
10 Internet Web site located at [teen.pornparks.com/hhyteens/](http://teen.pornparks.com/hhyteens/), displayed the following digital  
11 images copyrighted by Plaintiffs, thereby infringing the registered copyright(s) associated with  
12 each of those images:

13 (1) trx175\_10.jpg as trx175\_10.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

14 (2) trx175\_11.jpg as trx175\_11.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

15 (3) trx175\_12.jpg as trx175\_12.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

16 (4) trx175\_13.jpg as trx175\_13.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

17 (5) trx175\_14.jpg as trx175\_14.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

18 (6) trx175\_15.jpg as trx175\_15.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

19 (7) trx175\_16.jpg as trx175\_16.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

20 (8) trx175\_17.jpg as trx175\_17.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

21 (9) trx175\_18.jpg as trx175\_18.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

22 (10) trx175\_19.jpg as trx175\_19.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

23 (11) trx175\_2.jpg as trx175\_2.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

24 (12) trx175\_20.jpg as trx175\_20.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

25 (13) trx175\_21.jpg as trx175\_21.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

26 (14) trx175\_22.jpg as trx175\_22.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

1 (15) trx175\_23.jpg as trx175\_23.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

2 (16) trx175\_24.jpg as trx175\_24.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

3 (17) trx175\_25.jpg as trx175\_25.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

4 (18) trx175\_26.jpg as trx175\_26.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

5 (19) trx175\_28.jpg as trx175\_28.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

6 (20) trx175\_29.jpg as trx175\_29.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

7 (21) trx175\_3.jpg as trx175\_3.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

8 (22) trx175\_30.jpg as trx175\_30.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

9 (23) trx175\_4.jpg as trx175\_4.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

10 (24) trx175\_5.jpg as trx175\_5.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

11 (25) trx175\_6.jpg as trx175\_6.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

12 (26) trx175\_7.jpg as trx175\_7.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

13 (27) trx175\_8.jpg as trx175\_8.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

14 (28) trx175\_9.jpg as trx175\_9.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

15 Each of these copyrighted images was displayed without the consent of, or licensing by,  
16 the Plaintiffs, the copyright owner and registrant of the images.

17 30. On or about August 14, 2006, Defendants, in concert and/or individually, on the  
18 Internet Web site located at [asian.pornparks.com/fegirls/](http://asian.pornparks.com/fegirls/), displayed the following digital images  
19 copyrighted by Plaintiffs, thereby infringing the registered copyright(s) associated with each of  
20 those images:

21 (1) kwx107\_1.jpg as -KWX107\_1.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
22 871;

23 (2) kwx107\_10.jpg as -KWX107\_10.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
24 871;

25 (3) kwx107\_11.jpg as -KWX107\_11.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
26 871;

- 1 (4) kwx107\_12.jpg as -KWX107\_12.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
2 871;
- 3 (5) kwx107\_14.jpg as -KWX107\_14.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
4 871;
- 5 (6) kwx107\_15.jpg as -KWX107\_15.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
6 871;
- 7 (7) kwx107\_16.jpg as -KWX107\_16.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
8 871;
- 9 (8) kwx107\_17.jpg as -KWX107\_17.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
10 871;
- 11 (9) kwx107\_18.jpg as -KWX107\_18.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
12 871;
- 13 (10) kwx107\_19.jpg as -KWX107\_19.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
14 871;
- 15 (11) kwx107\_2.jpg as -KWX107\_2.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
16 871;
- 17 (12) kwx107\_20.jpg as -KWX107\_20.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
18 871;
- 19 (13) kwx107\_21.jpg as -KWX107\_21.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
20 871;
- 21 (14) kwx107\_3.jpg as -KWX107\_3.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
22 871;
- 23 (15) kwx107\_4.jpg as -KWX107\_4.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
24 871;
- 25 (16) kwx107\_5.jpg as -KWX107\_5.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
26 871;

1 (17) kwx107\_6.jpg as -KWX107\_6.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
2 871;

3 (18) kwx107\_7.jpg as -KWX107\_7.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
4 871;

5 (19) kwx107\_8.jpg as -KWX107\_8.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
6 871;

7 (20) kwx107\_9.jpg as -KWX107\_9.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
8 871;

9 (21) trx336\_1.jpg as -trx336\_1.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

10 (22) trx336\_10.jpg as -trx336\_10.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

11 (23) trx336\_11.jpg as -trx336\_11.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

12 (24) trx336\_12.jpg as -trx336\_12.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

13 (25) trx336\_13.jpg as -trx336\_13.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

14 (26) trx336\_14.jpg as -trx336\_14.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

15 (27) trx336\_15.jpg as -trx336\_15.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

16 (28) trx336\_16.jpg as -trx336\_16.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

17 (29) trx336\_17.jpg as -trx336\_17.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

18 (30) trx336\_18.jpg as -trx336\_18.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

19 (31) trx336\_19.jpg as -trx336\_19.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

20 (32) trx336\_2.jpg as -trx336\_2.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

21 (33) trx336\_20.jpg as -trx336\_20.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

22 (34) trx336\_21.jpg as -trx336\_21.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

23 (35) trx336\_22.jpg as -trx336\_22.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

24 (36) trx336\_23.jpg as -trx336\_23.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

25 (37) trx336\_24.jpg as -trx336\_24.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

26 (38) trx336\_25.jpg as -trx336\_25.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

- 1 (39) trx336\_26.jpg as -trx336\_26.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;  
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7 (71) kwx107\_1.jpg as KWX107\_1.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
8 871;  
9 (72) kwx107\_10.jpg as KWX107\_10.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
10 871;  
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13 (87) kwx107\_6.jpg as KWX107\_6.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
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16 871;

17 (89) kwx107\_8.jpg as KWX107\_8.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
18 871;

19 (90) kwx107\_9.jpg as KWX107\_9.jpg, infringing Plaintiffs' copyright(s) VAu 702-  
20 871;

21 (91) trx336\_1.jpg as trx336\_1.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

22 (92) trx336\_11.jpg as trx336\_11.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

23 (93) trx336\_12.jpg as trx336\_12.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

24 (94) trx336\_13.jpg as trx336\_13.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

25 (95) trx336\_14.jpg as trx336\_14.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

26 (96) trx336\_15.jpg as trx336\_15.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;



- (97) trx336\_16.jpg as trx336\_16.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
- (98) trx336\_17.jpg as trx336\_17.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
- (99) trx336\_18.jpg as trx336\_18.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
- (100) trx336\_19.jpg as trx336\_19.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
- (101) trx336\_2.jpg as trx336\_2.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
- (102) trx336\_20.jpg as trx336\_20.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
- (103) trx336\_21.jpg as trx336\_21.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
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- (123) trx336\_40.jpg as trx336\_40.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
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- (128) trx336\_45.jpg as trx336\_45.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
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- (137) trx336\_8.jpg as trx336\_8.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;
- (138) trx336\_9.jpg as trx336\_9.jpg, infringing Plaintiffs' copyright(s) VAu 692-274;

Each of these copyrighted images was displayed without the consent of, or licensing by, the Plaintiffs, the copyright owner and registrant of the images.

31. On or about August 14, 2006, Defendants, in concert and/or individually, on the Internet Web site located at [teen.pornparks.com/atdelite/](http://teen.pornparks.com/atdelite/), displayed the following digital images copyrighted by Plaintiffs, thereby infringing the registered copyright(s) associated with each of those images:

- (1) sfd62\_1.jpg as -SFD62\_1.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- (2) sfd62\_10.jpg as -SFD62\_10.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- (3) sfd62\_11.jpg as -SFD62\_11.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- (4) sfd62\_12.jpg as -SFD62\_12.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;

- 1 (5) sfd62\_13.jpg as -SFD62\_13.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 2 (6) sfd62\_14.jpg as -SFD62\_14.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 3 (7) sfd62\_15.jpg as -SFD62\_15.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 4 (8) sfd62\_16.jpg as -SFD62\_16.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 5 (9) sfd62\_17.jpg as -SFD62\_17.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 6 (10) sfd62\_18.jpg as -SFD62\_18.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 7 (11) sfd62\_19.jpg as -SFD62\_19.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 8 (12) sfd62\_2.jpg as -SFD62\_2.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 9 (13) sfd62\_20.jpg as -SFD62\_20.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 10 (14) sfd62\_3.jpg as -SFD62\_3.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 11 (15) sfd62\_4.jpg as -SFD62\_4.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 12 (16) sfd62\_5.jpg as -SFD62\_5.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 13 (17) sfd62\_6.jpg as -SFD62\_6.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 14 (18) sfd62\_7.jpg as -SFD62\_7.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 15 (19) sfd62\_8.jpg as -SFD62\_8.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 16 (20) sfd62\_9.jpg as -SFD62\_9.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 17 (21) sfc014\_1.jpg as -sfc014\_1.jpg, infringing Plaintiffs' copyright(s) VA 1-230-977;
- 18 (22) sfc014\_10.jpg as -sfc014\_10.jpg, infringing Plaintiffs' copyright(s) VA 1-230-
- 19 977;
- 20 (23) sfc014\_11.jpg as -sfc014\_11.jpg, infringing Plaintiffs' copyright(s) VA 1-230-
- 21 977;
- 22 (24) sfc014\_12.jpg as -sfc014\_12.jpg, infringing Plaintiffs' copyright(s) VA 1-230-
- 23 977;
- 24 (25) sfc014\_13.jpg as -sfc014\_13.jpg, infringing Plaintiffs' copyright(s) VA 1-230-
- 25 977;
- 26 (26) sfc014\_14.jpg as -sfc014\_14.jpg, infringing Plaintiffs' copyright(s) VA 1-230-

977;

(27) sfc014\_15.jpg as -sfc014\_15.jpg, infringing Plaintiffs' copyright(s) VA 1-230-977;

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- 18 (104) sfd111\_12.jpg as sfd111\_12.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 19 (105) sfd111\_13.jpg as sfd111\_13.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 20 (106) sfd111\_14.jpg as sfd111\_14.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 21 (107) sfd111\_15.jpg as sfd111\_15.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 22 (108) sfd111\_16.jpg as sfd111\_16.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 23 (109) sfd111\_17.jpg as sfd111\_17.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 24 (110) sfd111\_18.jpg as sfd111\_18.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 25 (111) sfd111\_19.jpg as sfd111\_19.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;
- 26 (112) sfd111\_2.jpg as sfd111\_2.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;



1 (113) sfd111\_20.jpg as sfd111\_20.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

2 (114) sfd111\_3.jpg as sfd111\_3.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

3 (115) sfd111\_4.jpg as sfd111\_4.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

4 (116) sfd111\_5.jpg as sfd111\_5.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

5 (117) sfd111\_6.jpg as sfd111\_6.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

6 (118) sfd111\_7.jpg as sfd111\_7.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

7 (119) sfd111\_8.jpg as sfd111\_8.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

8 (120) sfd111\_9.jpg as sfd111\_9.jpg, infringing Plaintiffs' copyright(s) VAu 702-802;

9 Each of these copyrighted images was displayed without the consent of, or licensing by,  
10 the Plaintiffs, the copyright owner and registrant of the images.

11 32. On or about August 14, 2006, Defendants, in concert and/or individually, on the  
12 Internet Web site located at [teen.pornparks.com/htsluts/](http://teen.pornparks.com/htsluts/), displayed the following digital images  
13 copyrighted by Plaintiffs, thereby infringing the registered copyright(s) associated with each of  
14 those images:

15 (1) msx55218.jpg as -free10.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;

16 (2) msx55237.jpg as -free6.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;

17 (3) msx55236.jpg as -free7.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;

18 (4) msx55238.jpg as -free8.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;

19 (5) msx55239.jpg as -free9.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;

20 (6) msx561\_2.jpg as -free\_11.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

21 (7) msx561 (19).jpg as -free\_12.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

22 (8) msx561\_42.jpg as -free\_13.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

23 (9) msx561\_20.jpg as -free\_14.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

24 (10) msx561 (36).jpg as -free\_15.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

25 (11) sfd62\_1.jpg as SFD62\_1.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;

26 (12) sfd62\_10.jpg as SFD62\_10.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;



- 1 (13) sfd62\_11.jpg as SFD62\_11.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 2 (14) sfd62\_12.jpg as SFD62\_12.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 3 (15) sfd62\_13.jpg as SFD62\_13.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 4 (16) sfd62\_14.jpg as SFD62\_14.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 5 (17) sfd62\_15.jpg as SFD62\_15.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 6 (18) sfd62\_16.jpg as SFD62\_16.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 7 (19) sfd62\_17.jpg as SFD62\_17.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 8 (20) sfd62\_18.jpg as SFD62\_18.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 9 (21) sfd62\_19.jpg as SFD62\_19.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 10 (22) sfd62\_2.jpg as SFD62\_2.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 11 (23) sfd62\_20.jpg as SFD62\_20.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 12 (24) sfd62\_3.jpg as SFD62\_3.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 13 (25) sfd62\_4.jpg as SFD62\_4.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 14 (26) sfd62\_5.jpg as SFD62\_5.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 15 (27) sfd62\_6.jpg as SFD62\_6.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 16 (28) sfd62\_7.jpg as SFD62\_7.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 17 (29) sfd62\_8.jpg as SFD62\_8.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 18 (30) sfd62\_9.jpg as SFD62\_9.jpg, infringing Plaintiffs' copyright(s) VAu 702-767;
- 19 (31) msx55218.jpg as free10.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;
- 20 (32) msx55237.jpg as free6.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;
- 21 (33) msx55236.jpg as free7.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;
- 22 (34) msx55238.jpg as free8.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;
- 23 (35) msx55239.jpg as free9.jpg, infringing Plaintiffs' copyright(s) VAu 702-759;
- 24 (36) msx561\_2.jpg as free\_11.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- 25 (37) msx561 (19).jpg as free\_12.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;
- 26 (38) msx561\_42.jpg as free\_13.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

1 (39) msx561\_20.jpg as free\_14.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

2 (40) msx561 (36).jpg as free\_15.jpg, infringing Plaintiffs' copyright(s) VAu 353-497;

3 Each of these copyrighted images was displayed without the consent of, or licensing by,  
4 the Plaintiffs, the copyright owner and registrant of the images.

5 33. Copyright No. VA 1-230-977, was infringed no fewer than 40 times. A true and  
6 correct copy of the registration or application therefor is attached hereto as Exhibit "1".

7 34. Copyright No. VA 1-307-928, was infringed no fewer than 25 times. A true and  
8 correct copy of the registration or application therefor is attached hereto as Exhibit "2".

9 35. Copyright No. VAu 353-497, was infringed no fewer than 96 times. A true and  
10 correct copy of the registration or application therefor is attached hereto as Exhibit "3".

11 36. Copyright No. VAu 692-240, was infringed no fewer than 25 times. A true and  
12 correct copy of the registration or application therefor is attached hereto as Exhibit "4".

13 37. Copyright No. VAu 692-274, was infringed no fewer than 98 times. A true and  
14 correct copy of the registration or application therefor is attached hereto as Exhibit "5".

15 38. Copyright No. VAu 702-759, was infringed no fewer than 10 times. A true and  
16 correct copy of the registration or application therefor is attached hereto as Exhibit "6".

17 39. Copyright No. VAu 702-767, was infringed no fewer than 60 times. A true and  
18 correct copy of the registration or application therefor is attached hereto as Exhibit "7".

19 40. Copyright No. VAu 702-802, was infringed no fewer than 40 times. A true and  
20 correct copy of the registration or application therefor is attached hereto as Exhibit "8".

21 41. Copyright No. VAu 702-871, was infringed no fewer than 40 times. A true and  
22 correct copy of the registration or application therefor is attached hereto as Exhibit "9".

23  
24 **COUNT I**

25 **(Copyright Infringement, 17 U.S.C § 501 et seq.)**

26 42. FALCON repeats, realleges, and incorporates by reference each and every

1 allegation set forth in paragraphs 1 through 41 above.

2 43. FALCON is the sole owner of all right, title, and interest to each of the digital  
3 images referenced herein and covered by FALCON'S registered copyrights, and of all  
4 corresponding copyrights and Certificates of Registration.

5 44. Each of the FALCON'S copyrighted works consists of material original to  
6 FALCON and each is copyrightable subject matter.

7 45. Defendants have copied, reproduced, distributed, adapted, and/or publicly  
8 displayed FALCON'S copyrighted works without the consent or authority of FALCON, thereby  
9 directly infringing FALCON'S copyrights.

10 46. Defendants' conduct constitutes infringement of FALCON'S copyrights and  
11 exclusive rights under copyright in violation of 17 U.S.C. §§ 106 and 501 *et seq.*

12 47. The infringement of FALCON'S rights in and to each of the digital images  
13 constitutes a separate and distinct act of infringement.

14 48. The acts of infringement by Defendants have been willful, intentional, and  
15 purposeful, in reckless disregard of and with indifference to the rights of FALCON.

16 49. As a direct and proximate result of its unlawful conduct, Defendants are liable to  
17 FALCON for copyright infringement. FALCON has suffered, and will continue to suffer,  
18 substantial losses, including, but not limited to, damage to its business reputation and goodwill.  
19 FALCON is entitled to recover damages, which include its losses and all profits Defendants have  
20 made as a result of their wrongful conduct, pursuant to 17 U.S.C. § 504(b).

21 50. Alternative to actual damages plus Defendants' profits, FALCON is entitled to the  
22 maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 for each  
23 infringed image, or other such amounts as may be proper pursuant to 17 U.S.C. § 504(c).

24 51. Defendants' conduct have caused and, unless enjoined and restrained by this  
25 court, will continue to cause irreparable injury to FALCON for which FALCON has no adequate  
26 remedy at law. Pursuant to 17 U.S.C. § 502, FALCON is entitled to injunctive relief prohibiting

1 further infringements of FALCON'S copyrights.

2 52. FALCON also is entitled to recover their attorneys' fees and costs of suit,  
3 pursuant to 17 U.S.C. § 505.

4  
5 **COUNT II**

6 **(Contributory Copyright Infringement, 17 U.S.C. § 501 et seq.)**

7 53. FALCON repeats, realleges, and incorporates by reference the allegations in  
8 Paragraphs 1 through 52 as if set forth fully herein.

9 54. To the extent not done directly, each Defendant has engaged in the business of  
10 knowingly inducing, causing, and/or materially contributing to the unauthorized reproduction,  
11 adaptation, public display, and/or distribution of copies of the FALCON'S copyrighted works by  
12 one or more of the others, and thus to the direct infringement of FALCON'S copyrighted images.

13 55. To the extent not done directly, each Defendant's conduct constitutes contributory  
14 infringement of FALCON'S copyrights and exclusive rights under copyright in FALCON'S  
15 copyrighted works in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16 56. The infringement of FALCON'S rights in and to each of FALCON'S copyrighted  
17 works constitutes a separate and distinct infringement.

18 57. The acts of infringement by each Defendant have been willful, intentional, and  
19 purposeful, in reckless disregard of and with indifference to the rights of FALCON.

20 58. As a direct and proximate result of the infringements by Defendants of  
21 FALCON'S copyrights and exclusive rights under copyright in FALCON'S Copyrighted Works,  
22 they are entitled to actual damages and each Defendant's profits pursuant to 17 U.S.C. § 504(b).

23 59. Alternatively, FALCON is entitled to maximum statutory damages, pursuant to 17  
24 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or such other  
25 amounts as may be proper under 17 U.S.C. § 504(c).

26 60. FALCON is further entitled to their attorneys' fees and full costs pursuant to 17

1 U.S.C. § 505.

3 **COUNT III**

4 **(Unjust Enrichment)**

5 61. Plaintiffs repeat, reallege, and incorporate by reference the allegations in  
6 Paragraphs 1 through 41 as if set forth fully herein.

7 62. Defendants have usurped for themselves copyrighted materials belonging to  
8 Plaintiffs for purpose of enhancing the commercial value of Defendants' goods and/or services.

9 63. As a direct and proximate result of their unlawful and improper acts, Defendants  
10 have been unjustly enriched and Plaintiffs have suffered, and will continue to suffer, loss of  
11 profits by virtue of Defendants' conduct.

12 64. The exact amount of unjust profits realized by each Defendant and profits lost by  
13 Plaintiffs are presently unknown and cannot be readily ascertained without an accounting.

14 65. Defendants' unlawful copying, reproduction, distribution, adaptation, and/or  
15 public display of Plaintiffs' copyrighted works without the consent or authority of Plaintiffs is  
16 causing and will continue to cause irreparable injury to them unless Defendants are preliminarily  
17 and permanently restrained and enjoined from these activities.

18  
19 **COUNT IV**

20 **(Tortious Interference With Prospective Contractual Relations)**

21 66. Plaintiffs repeat, reallege, and incorporate by reference the allegations in  
22 Paragraphs 1 through 41 as if fully set forth herein.

23 67. By displaying such digital images on Defendants' Internet Web sites, each  
24 Defendant has intentionally interfered with Plaintiffs' business of selling its digital adult images  
25 to prospective customers and has intentionally interfered with Plaintiffs' business of selling  
26 additional images to existing customers, thereby hindering Plaintiffs from selling the same

1 images to other prospective buyers and resulting in damage to Plaintiffs.

2 68. Defendants knew or should have known that their actions would interfere with  
3 Plaintiffs' existing and prospective contractual relationships with existing and prospective  
4 customers.

5 69. Defendants have wrongfully interfered with the contractual relations between  
6 Plaintiffs and their customers and potential customers without justification or legal excuse.  
7 Defendant's interference was willful, wanton and malicious.

8 70. By reason of the foregoing, each Defendant is liable for all pecuniary losses  
9 suffered by Plaintiffs as a result of defendants' interference, and for punitive damages.

10  
11 **COUNT V**

12 **(Statutory And Common Law Unfair Competition)**

13 71. Plaintiffs repeat, reallege, and incorporate by reference the allegations in  
14 Paragraphs 1 through 41 as if fully set forth herein.

15 72. By reason of the foregoing, Defendants have been, and are, engaged in unlawful,  
16 unfair or fraudulent business practices, and acts of unfair competition, in violation of state law.

17 73. Defendants' acts complained of herein have damaged and will continue to  
18 damage Plaintiffs irreparably. Plaintiffs have no adequate remedy at law for these wrongs and  
19 injuries.

20 74. The damages to Plaintiffs include harm to its goodwill and reputation in the  
21 marketplace that money cannot compensate.

22 75. Plaintiffs are entitled to a preliminary and permanent injunction restraining and  
23 enjoining Defendants and their agents, servants, and employees, and all persons acting  
24 thereunder, in concert with, or on their behalf, from engaging in acts of unfair competition in  
25 connection with copying, reproduction, distribution, adaptation, and/or public display of  
26 Plaintiffs' copyrighted works without the consent or authority of the Plaintiff, as well as an

award of Defendants' unjust profits.

76. Because the exact amount of Defendants' unjust profits cannot be determined without an accounting, Plaintiffs request an accounting of Defendants' profits for monies obtained through Defendants' acts of unfair competition, and the imposition of a constructive trust in favor of Plaintiffs on all profits obtained therefrom.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request judgment as follows:

1. That the Court enter a judgment against each Defendant that each Defendant has willfully infringed FALCON'S rights in the federally registered copyrights referenced herein in violation of 17 U.S.C. § 501.

2. That the Court issue injunctive relief against each Defendant, their officers, agents, representatives, servants, employees, attorneys, successors and assigns, and all others in active concert and/or participation with Defendants, be enjoined and restrained from violating FALCON'S copyrights.

3. That the Court issue temporary and permanent injunctive relief against each Defendant, their officers, agents, representative, servants, employees, attorneys, successors and assignees, and all other in active concert or participation with Defendants, be enjoined and restrained from copying, reproducing, distributing, adapting, and/or publicly displaying FALCON'S copyrighted works without the consent or authority of FALCON.

4. That the Court enter an order of impoundment pursuant to 17 U.S.C. §§ 503 and 509(a) impounding all infringing copies of FALCON'S digital images.

5. That the Court enter and order requiring each Defendant to provide to FALCON a full and complete accounting of all profits obtained from their copying, reproduction, distribution, adoption, and/or public display of FALCON'S copyrighted works without the consent or authority of FALCON, and of any other amounts due and owing to FALCON as a

1 result of each Defendant's illegal activities.

2         6.         That the Court order each Defendant to pay FALCON damages and each  
3 Defendant's profits pursuant to 17 U.S.C. § 504(b), or, alternatively, enhanced statutory damages  
4 pursuant to 17 U.S.C. § 504(c) and 17 U.S.C. § 504(c)(2), for each Defendant's willful  
5 infringement of FALCON'S copyrights.

6         7.         That the Court order each Defendant to pay to FALCON both the costs of this suit  
7 and the reasonable attorneys' fees incurred by FALCON in investigating and prosecuting this  
8 action.

9         8.         That the Court grant to FALCON such other and additional relief as is just and  
10 proper.

11         Dated this 28th day of February 2007.

12                 Respectfully submitted,

13                                 CARPELAW PLLC

14                                 s/ Robert S. Apgood

15                                 Robert S. Apgood, WSBA #31023

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